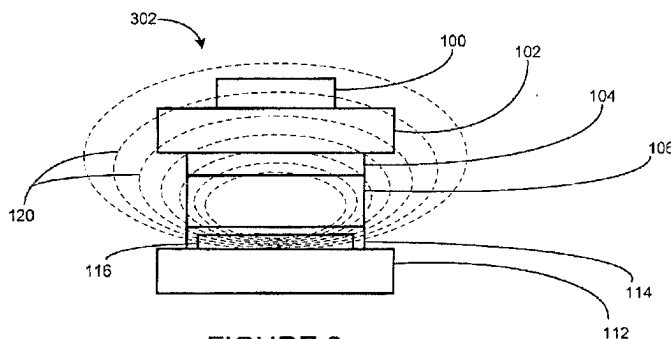


### Remarks

In the non-final Office Action dated April 3, 2008, the following rejections are indicated: claims 1-3, 5, 7 and 11-13 stand rejected under 35 U.S.C. § 102(e) over the Witcraft reference (U.S. Patent No. 6,914,805); claims 4 and 14 stand rejected under 35 U.S.C. § 103(a) over the Witcraft reference; and claims 8-10 stand rejected under 35 U.S.C. § 103(a) over the Witcraft reference in view of the Bangert reference (U.S. Patent No. 6,873,055). Claims 6 and 15 stand objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. The Office Action also notes an objection to the drawings and the abstract.

Applicant respectfully traverses the § 102(e) rejection of claims 1-3, 5, 7 and 11-13 because the cited portions of the Witcraft reference do not correspond to the claimed invention which includes, for example, aspects directed to at least one field shaping strip of magnetic material connected to the side of the electrical conductor that is oriented toward the further part of the circuit. The Office Action erroneously asserts that Witcraft's magnetic keeper 116, conductor 106 and MRAM bit 100 correspond to the field shaping strip, the electrical conductor and the further part, respectively, of the claimed invention. As is clearly shown by Witcraft in Figure 2 (reproduced below), the magnetic keeper 116 is not connected to the side of the conductor 106 that is oriented toward the MRAM bit 100.



For example, the cited portions of the Witcraft reference teach that the magnetic keeper 116 is interposed between first barrier layer 114 and substrate 112 on the opposite side on the conductor 106 from the MRAM bit 100. *See, e.g.*, Col. 6:34-49. As such, the cited portions of the Witcraft reference do not teach that the field shaping strip is connected to the side of the electrical conductor that is oriented toward the further part as in the claimed

invention. Accordingly, the § 102(e) rejection of claims 1-3, 5, 7 and 11-13 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the § 103(a) rejections of claims 4, 8-10 and 14 (each of which is based on the Witcraft reference) because the cited portions of Witcraft do not correspond to the claimed invention as discussed above in relation to the § 102(e) rejection of claims 1 and 11. In at least this regard, the rejections of claims 4, 8-10 and 14 are improper in that these claims depend from either claim 1 or claim 11. The § 103(a) rejections thus rely upon the same (improper) characterization of the Witcraft reference. Accordingly, the § 103(a) rejections of claims 4, 8-10 and 14 are improper and Applicant requests that they be withdrawn.

Applicant further traverses the § 103(a) rejections of claims 4 and 14 because the Office Action appears to be improperly taking official notice without citing to a prior art reference. According to M.P.E.P. § 2144.03, "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." In this instance the Office Action asserts that "permalloy" (*see* claim 4) is a known material and that the "damascene process" (*see* claim 14) is a well-known metal patterning process; however, the Office Action has not cited to any prior art reference to support these assertions. Moreover, the Office Action fails to provide any reason why the skilled artisan would modify the Witcraft reference to use either permalloy or the damascene process as required. *See, e.g.*, M.P.E.P. 2144.03. Applicant submits that without citation to a prior art reference that demonstrates that permalloy and the damascene process are well-known and without motivation for why that skilled artisan would modify Witcraft to use these aspects, the § 103(a) rejections of claims 4 and 14 are improper and must be withdrawn. Should any rejection based upon the Witcraft reference be maintained, Applicant requests that the Office Action provide support for the assertion that permalloy and the damascene process are well-known by citing to a prior art reference and that the Office Action provide motivation for why the skilled artisan would modify Witcraft.

Applicant further traverses the § 103(a) rejection of claims 8-10 because the Office Action fails to provide any reason regarding why the skilled artisan would modify Witcraft

with the cited portions of the Bangert reference. According to M.P.E.P. § 2142, “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” In this instance the Office Action simply concludes that it would have been obvious to the skilled artisan “to apply the teaching of Bangert to the teaching of Witcraft et al. such that the MRAM cell of Witcraft et al. (Witcraft et al. Fig. 2) is implemented into a cross-point array (having a second conductor) of Bangert (Bangert Fig. 1) and the a magnetic strip is formed on the second conductor in a fashion similar to that of Witcraft et al.’s magnetic strip on the first conductor.” The Office Action fails to provide any reason (motivation or otherwise) why the skilled artisan would modify the Witcraft reference in the proposed manner. “A patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (U.S. 2007). Accordingly, the § 103(a) rejection of claims 8-10 is improper and Applicant requests that it be withdrawn. Should any rejection based upon the Witcraft and Bangert references be maintained, Applicant requests that the Office Action provide motivation for why the skilled artisan would modify Witcraft in the proposed manner.

Applicant notes that minor amendments have been made to various claims to improve readability. For example, Applicant has removed unnecessary reference numerals and made other amendments in view of the removal of these reference numerals. These amendments are not being made to overcome any of the rejections presented by the Office Action, each of which fails for at least the reasons discussed above.

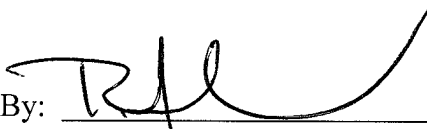
In response to the objection to the drawings, Applicant has attached three replacement drawing sheets in which Figures 1-3b have been labeled as prior art as indicated on page 2 of this paper. Thus, Applicant requests that the objection to the drawings be removed.

In response to the objection to the abstract, Applicant has amended the abstract in a manner consistent with that suggested by the Office Action as indicated on page 3 of this paper. Thus, Applicant requests that the objection to the abstract be removed.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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Attachment: Three Replacement Drawing Sheets